

ORDINANCE NO. 5423

AN ORDINANCE OF THE COUNCIL OF THE CITY OF  
SANTA BARBARA ENACTING A CITY MUNICIPAL  
ELECTION CAMPAIGN DISCLOSURE ORDINANCE BY  
AMENDING SANTA BARBARA MUNICIPAL CODE CHAPTER  
2.03

SECTION ONE. Title Two of the Santa Barbara Municipal Code is hereby amended by the adoption of an amendment to Chapter 2.03, entitled the "Santa Barbara Municipal Election Campaign Disclosure Ordinance" which reads as follows:

§2.03.001 Citation

This Chapter shall be cited and known as the Santa Barbara Municipal Election Disclosure Ordinance.

§2.03.010 Election Campaigns, Voluntary Expenditure Ceiling.

A. Pursuant to Government Code Section 85400(c), a voluntary expenditure ceiling is established for each candidate for each election to City elective office in the amount of fifty thousand (\$50,000) dollars.

B. Prior to accepting any contributions, each candidate for City elective office shall file with the City Clerk a statement of acceptance or rejection of the voluntary expenditure ceiling established herein.

C. No candidate for City elective office who accepts the voluntary expenditure ceiling established herein and no controlled campaign committee of such a candidate shall make campaign expenditures in excess of the voluntary expenditure ceiling established herein.

D. Each candidate who rejects the voluntary expenditure ceiling established by this Chapter shall be subject to the contribution limit set forth in Government Code Section 85301, as the same may be amended from time to time.

E. Each candidate who accepts the voluntary expenditure ceiling established in this section shall be subject to the contribution limit set forth in Government Code Section 85402,

and not the contribution limit set forth in Government Code Section 85301, as either section may be amended from time to time. In addition, as to each such candidate, the City Clerk shall provide notification to voters that the candidate has accepted the voluntary expenditure ceiling established herein, as required by Government Code Section 85602 and applicable regulations adopted pursuant to that Section.

F. Except as provided herein, the provisions of the California Political Reform Act of 1974, the California Political Reform Act of 1996, Government Code Sections 81000, et seq., and applicable regulations adopted pursuant to such acts, as the same may be amended from time to time, shall govern the interpretation and application of this Chapter.

G. The penalties and remedies for violations of this Section shall be those set forth in the provisions of the California Political Reform Act of 1974, the California Political Reform Act of 1996, Government Code Sections 81000, et seq., and applicable regulations adopted pursuant to such acts.

#### **§2.03.020 Definitions**

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions of the Political Reform Act of 1974 (Government Code sections 81000 et seq.) and the definitions contained in the regulations adopted by the Fair Political Practices Commission shall govern the interpretation of this Chapter.

A. **Agent.** A person who acts on behalf or at the behest of any other person.

B. **Assistant Treasurer.** An individual designated by a committee to have the duties, responsibilities, and obligations of a treasurer as described in title 2, section 118426.1 of the California Code of Regulations.

C. **Candidate.** An individual who:

1. is listed on the ballot for elective City office, or
2. a person who has begun to circulate nominating petitions or authorized others to do so on his or her behalf for nomination for or election to a City office; or

3. has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about his or her nomination for or election to the any elective City office; or

4. is a City officeholder who becomes the subject of a recall election. A City officeholder "becomes the subject of a recall election" when the earlier of the following occurs:

a. the date a notice of intention to circulate a recall petition is published pursuant to the recall provisions of the state Elections Code; or,

b. the date a statement of organization for a committee to recall the officeholder is filed with the City Clerk or the Secretary of State pursuant to state and local law.

**D. Citywide General Election Date.** As established in the City Charter.

**E. Committee.** A person acting (or any combination of two or more persons acting jointly), to raise \$1,000 or more, or to make independent expenditures of \$1,000 or more, within a single calendar year on behalf of or in opposition to a candidate. Committees include the following forms: 1. controlled committees, 2. primarily formed recipient committees, and 3. general purpose recipient committees.

**F. Contribution.** Generally as that term is defined in California Government Code section 82015 and subject to the inclusions and exceptions contained in Title 2, section 18215 of the California Code of Regulations, except as modified by the following provisions:

1. In the event of any conflict between the state law definition and the following provisions, the following provisions shall control:

a. A contribution includes any forgiveness of a debt or other obligation to pay for goods or services rendered, or reduction of the amount of a debt or other obligation to pay for goods or services rendered, unless it is clear from the circumstances that the amount of the reduction was reasonably based on a good faith dispute. A good faith dispute shall be presumed if the candidate or committee produces:

i. evidence that the candidate or committee protested the payment of a bill no later than 30 calendar days after the last calendar day of the month in which the goods were delivered or the services were rendered; and

ii. evidence that the protest was based on the quality or quantity of goods delivered or services rendered.

b. A contribution does not include an independent expenditure.

c. A contribution does not include a payment made for internal communications.

**G. Controlled Committee.** A committee controlled directly or indirectly by a candidate or that acts jointly with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if the candidate, the candidate's agent or any other committee controlled by the candidate has a significant influence on the actions or decisions of the committee.

**H. Elective City Office.** The office of the Mayor or City Council member of the City of Santa Barbara.

**I. Expenditure.** A payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment, unless it is clear from the circumstances that it is not made for political purposes. An expenditure is made on the date the payment is made or on the date consideration, if any, is received, whichever is earlier. An expenditure does not include a payment for internal communications, nor does it include costs incurred for communications advocating the nomination, election, or defeat of a candidate or the qualification, passage, or defeat of a measure by a federally regulated broadcast outlet or by a regularly published newspaper, magazine, or periodical of general circulation that routinely carries news, articles, or commentary of general interest.

**J. General Purpose Recipient Committee.** A person who receives contributions totaling \$1,000 or more during a calendar year to support or oppose more than one candidate for any public elective office. This type of committee is not controlled by a candidate.

**K. Independent Expenditure.** An expenditure made by any person in connection with a communication that does any of the following:

1. expressly supports or opposes the nomination, election, defeat, or recall of a clearly identified candidate; or

2. taken as a whole and in context, urges a particular result in an election for the office of Mayor or the office of City Council.

An expenditure that is made to or at the behest of a candidate or a controlled committee is not an independent expenditure.

**L. Internal Communication.** Any communication directed solely to members, employees, or shareholders of an organization, including communications to members of any political party, for the purpose of supporting or opposing a candidate or candidates for elective City office, specifically not to include communication activities used in connection with broadcasting, newspaper, billboard or similar type of general public communication. The meaning of internal communication is intended to be consistent with the definitions contained in California Government Code section 85312 and title 2, section 18531.7 of the California Code of Regulations. Any amendments made to these authorities shall be deemed to be an amendment to the language of this definition.

**M. Payment.** A payment, reimbursement, distribution, transfer, loan, advance, deposit, gift, or other rendering of money, property, services or any other thing of value, whether tangible or intangible.

**N. Person.** An individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, association, committee, labor union, or any other organization or group of persons acting in concert.

**O. "Political Purpose."** The purpose of influencing or attempting to influence the action of the voters for or against the nomination, election, defeat, or recall of any candidate or elected City officer.

**P. Primarily Formed Recipient Committee.** A person, entity, or organization that receives contributions totaling \$1,000 or more

during a calendar year to support or oppose a single candidate for a City election. This type of committee is not controlled by a Candidate.

**Q. Shared Management.** An organizational structure in which there is common management and control of two or more general purpose recipient committees. In determining whether there is common management and control, consideration shall be given to the following factors:

1. The same person or substantially the same person manages the operation of the different general purpose recipient committees;

2. There are common or commingled funds or assets;

3. The general purpose recipient committees share the use of the same offices or employees, or otherwise share activities, resources, or personnel on a regular basis;

4. There is otherwise a regular and close working relationship between the general purpose recipient committees.

**R. Sponsor of a Committee.** A person, except a candidate, to whom any of the following applies:

1. The committee receives 80 percent or more of its contributions either from the person or from the person's members, officers, employees or shareholders;

2. The person collects contributions for the committee by use of payroll deductions or dues from its members, officers, or employees;

3. The person provides, alone or in combination with other organizations, all or nearly all of the administrative services for the committee; or

4. The person sets, alone or in combination with other organizations, the policies for soliciting contributions or making expenditures of committee funds.

**S. Sponsored Committee.** A committee, other than a controlled committee, which has one or more sponsors.

**§2.03.030 Candidate and Committee Status; Duration**

**A. Candidate Status.** For purposes of this Chapter, an individual who is a Candidate retains the status of Candidate until that status is terminated pursuant to California Government Code section 84214.

**B. Committee Status.** For purposes of this Chapter, a Committee retains the status of Committee until that status is terminated pursuant to California Government Code section 84214.

**§2.03.040 Duty to Have Campaign Treasurer; Authority of Treasurer.**

**A. Duty of Campaign Treasurer.** Every Candidate and every Committee shall have a Treasurer. A Candidate may designate himself or herself as Treasurer. A Committee may designate an Assistant Treasurer to perform the duties and responsibilities of the Treasurer in the event of a temporary vacancy in the office of the Treasurer or in the event the Treasurer is unavailable. Only an individual may be designated as a Treasurer or Assistant Treasurer.

**B. Authority of Campaign Treasurer.** It is unlawful for any expenditure to be made by or on behalf of a Committee without the express authorization of the Treasurer of that Committee. It is unlawful for any contribution to be accepted by a Committee or any expenditure to be made on behalf of a Committee at a time when the office of the Treasurer is vacant.

**§2.03.050 Campaign Contribution Checking Account for Controlled Committees.**

**A. Checking Account.** Every Controlled Committee that accepts contributions shall establish one Campaign Contribution checking account at an office of a bank or other financial institution providing checking account services located in the City of Santa Barbara. The Committee shall comply with the following in connection with the Campaign checking account:

1. Upon opening of an account, the name of the bank or other financial institution and account number thereof shall be filed with the City Clerk on the same forms and in the time and manner required by California Government Code section 81000 et seq.

2. All contributions of money or checks, or anything of value converted by such controlled committee to money or a check, shall be placed in the controlled committee's checking account within thirty business days, except that no contribution shall be deposited to a campaign contribution checking account without the receipt by the controlled committee of all information required by California Government Code section 84211. Any information that has not been provided shall be requested, in writing, by the campaign treasurer within ten business days of receipt of the money or check.

3. Any contribution not deposited within thirty business days shall be returned to the contributor as soon as possible after the thirtieth business day, but no later than thirty-five business days of receipt of the money or check.

#### **§2.03.060 Lawful Use of Campaign Funds by a Committee.**

Uses of campaign funds held by any Committee formed in accordance with this Chapter shall be governed by title 9, chapter 9.5, article 4 of the California Government Code, commencing with section 89510. It is unlawful to use Campaign funds in any manner that would violate these provisions of the California Government Code.

#### **§2.03.070 Campaign Disbursements by Check Only; Petty Cash Fund.**

**A. Use of Checks.** It is unlawful for any funds to be disbursed from a Controlled Committee's campaign contribution checking account unless such disbursement is done by check signed by the candidate, the candidate's campaign treasurer, assistant treasurer, or other designated agent of the campaign treasurer.

**B. Petty Cash Fund.** A petty cash fund may be established for each Controlled Committee checking account under the following conditions:

1. No more than \$100 may be held in the petty cash fund at any one time.

2. No expenditure that totals \$100 or more may be made from the petty cash fund.

3. Expenditures from a petty cash fund are deemed to be expenditures from the campaign checking account.



## **§2.03.080 Transfers of Funds; Carryover of Contributions.**

**A. Transfers Generally.** A candidate may transfer campaign funds from one controlled committee to a controlled committee for elective City office of the same candidate. Contributions transferred shall be attributed to specific contributors using a "last in, first out" or "first in, first out" accounting method.

**B. Carryover of Contributions.** Notwithstanding subsection A of this section, a candidate for elective City office may carry over contributions raised in connection with one election for elective City office to pay campaign expenditures incurred in connection with a subsequent election for the same elective City office.

**C. Consistency with State Regulations.** It is the intent of this section that transfers and carryovers of a candidate's campaign funds be consistent with the provisions of law set forth in title 2, sections 18536 and 18537.1 of the California Code of Regulations.

## **§2.03.090 Campaign and Candidate Accounting Methods.**

**A. Required Accounting Records.** In addition to any other requirements of this Chapter, every candidate or committee that accepts contributions for a City election shall maintain a record of each of the following:

1. any contribution received by the candidate or committee and deposited into the campaign contribution checking account; and,

2. any disbursement made from the campaign contribution checking account.

**B. Specific Records Required.** The records required by subsection A above shall include, but not be limited to, all of the following:

1. the name and address of the contributor, and

2. the amount of the contribution, and the date on which it was received or offered; and

3. if the contribution is made by check, a legible photocopy of the check; and

4. if the contribution offered or received consists of cash, an indication that cash was offered or received, and a legible photo copy of the bank deposit slip indicating that the cash contribution was deposited into the campaign contribution checking account; and

5. legible photocopies or originals of all bank records pertaining to the campaign contribution checking account; and

6. if a contribution is made by the candidate to his or her own campaign, a statement disclosing the source of the funds; and

7. if a contribution is of something other than a money, a description of what was contributed, a reasonable good faith estimate of the monetary value of the contribution, and the basis for the estimate; and,

8. for each disbursement made from or check drawn on the campaign contribution checking account, the canceled check, the bank statement showing the disbursement, the name of the payee of each check, and itemized record of the goods or services for which each check is issued or disbursement made, and legible photocopies or originals of any invoices, bills, or other supporting document for which funds were disbursed.

**C. Records Retention Period.** The records required by this section shall be kept by the candidate or committee treasurer for a period of four years following the date that the campaign statement to which they relate is filed.

**D. Official Access to Records.** Each candidate and committee shall deliver, on demand, to any public officer having authority to enforce this Chapter, a written authorization permitting the officer to have access to all records pertaining to the campaign contribution checking account.

**E. Delivery of Records.** Each candidate and committee shall, on demand, make available to any public officer having authority to enforce this Chapter all records required by this Chapter to be maintained by the candidate or committee.

## **§2.03.100 Base Level of Campaign Disclosure Statements.**

Each candidate and committee shall file campaign statements at the time and in the manner required by California Government Code section 81000 et seq. and Title 2 of the California Code of Regulations and shall comply with the following additional local disclosure and disclosure filing requirements:

**A. Additional Pre-Election Campaign Statements.** In addition to the campaign statements to be filed pursuant to the Political Reform Act, as amended, candidates for City elective office, their controlled committees and committees primarily form to support of or oppose these candidates shall file a pre-election statement on the Friday before a City election, whether general or special. This statement shall have a closing date of the midnight on the Wednesday before the election and shall cover activity and payments occurring through that day.

**B. Contributors Listed in Alphabetical Order.** All candidate and committee campaign disclosure statements that are generated from the output of a computer software program shall be generated with the names of all contributors listed in alphabetical order by last name. Treasurers for any committee that files handwritten campaign disclosure statements shall make reasonable good faith efforts to list the names of all contributors in alphabetical order by last name.

**C. Attribution to Contributor After the Fact.** A general purpose recipient committee attributing contributions totaling \$100 or more to the same individual for purposes of supporting or opposing a candidate in an election shall, within three months of the attribution, separately disclose such contributions on a campaign statement filed with the City Clerk by supplying all identifying information regarding the contributor, reporting the date of the attribution as the "date received," showing the amount attributed to the individual at that time, identifying the applicable candidate and election for which the attribution was made, and indicating that the contribution is being re-reported per Santa Barbara Municipal Code section 2.03.090.

**D. Supplemental Filing.** A general purpose recipient committee that submits all of the information required by subsection (B) in a supplemental document attached to a campaign statement filed with the City Clerk will be deemed to have complied with the provisions of subsection (B).

**E. Reporting of Internal Communications.** Any payment made by a political party for internal communications to its members who are registered with that party and that would otherwise qualify as a contribution or expenditure shall be reported on that political party's campaign disclosure statement in a manner that identifies the payment as an "internal communication."

**F. Manner of Reporting Contributions.** Contributions shall be reported in a manner consistent with the provisions of Title 2, section 18421.1 of the California Code of Regulations, except that a monetary contribution is deemed to have been made or received only after a candidate or committee obtains:

1. possession or control of the check or other negotiable instrument by which the contribution is made, and

2. possession of all of the information required by California Government Code section 84211.

**G. Sponsor Reporting.** Sponsors and sponsored committees participating in City elections are subject to the reporting obligations set forth in title 2, section 18419 of the California Code of Regulations.

**H. Mandatory Reporting Obligation.** It is unlawful to fail to comply with the disclosure requirements of California Government Code section 81000 et seq., the disclosure requirements of Title 2 of the California Code of Regulations, and these additional local disclosure requirements of this Chapter.

**§2.03.110 On-line Electronic Disclosure of Campaign Statements and Late Contributions and Expenditures.**

**A. Online Reporting of Campaign Statements.** Each Candidate and Committee that has received contributions or made expenditures of \$5,000 or more in connection with a City election shall use the electronic filing and disclosure system established by the City Clerk's office in order to file on-line copies of each campaign disclosure statements required by section 2.03.090 on the date such reports are due in accordance with the state Political Reform Act and, as to the additional local filing, by the local filing date. Once a Candidate or Committee is required to file campaign disclosure statements on-line, that Candidate or Committee shall continue to file statements on-line until the Committee has officially terminated

in accordance with this Chapter. The information contained on a campaign statement filed on-line shall be the same as that contained on the paper copy of the same statement that is filed with the City Clerk.

On-line filings shall be made in accordance with requirements (in the manner established) by regulations adopted by the City Clerk for the City's electronic campaign disclosure filing system created and maintained by the City Clerk for these purposes.

**B. Voluntary On-line Reporting.** Any Candidate or Committee not required to file on-line pursuant to section (A) hereof may do so voluntarily.

**C. Standard (Paper Copy) Reporting.** All candidates and committees required to file their campaign statements on-line shall also continue to file a paper copy of each campaign statement, as required by the California Political Reform Act and this Chapter, until such candidates and committees are no longer required to file campaign statements with the City Clerk. The paper copy shall continue to be the original campaign statement for audit and other legal purposes.

**D. Late Contribution Reporting - On-Line Disclosure.** A contribution of five hundred dollar (\$500) or more in the aggregate received from one (1) source after the closing date for the filing the last pre-election disclosure reporting period provided for in the Political Reform Act (and Title 2 of the California Code of Regulations) shall be reported on-line to the City Clerk's office on the appropriate City form within twenty-four (24) hours of the receipt of the contribution by electronic filing with the Clerk's office.

The recipient of the contribution shall also report the full name of the contributor, his or her street address, city, state, zip code, occupation (or profession) and the name or his or her employer, or if self-employed, the name of the business employing the contributor. The contribution shall also be included on the next report required to be filed under the Political Reform Act.

**E. Late Independent Expenditures Reports.** A committee (other than a controlled committee) that makes an independent expenditure of five hundred dollars (\$500) or more after the closing date for the filing the last pre-election disclosure reporting period provided for in the Political Reform Act (and Title 2 of the California Code of Regulations) shall be reported

on-line to the City Clerk's office on the appropriate City form within twenty-four (24) hours of the making of the expenditure by electronic filing with the Clerk's office.

The expenditure shall be itemized by name, street address, city, state, zip code, the political purpose, the candidate or ballot measure opposed or supported, and the amount of the expenditure. This information shall also be included on the next report filed under the Political Reform Act.

**F. Late Filing Penalties.** In addition to any late filing penalties that may be imposed for the late filing of a paper copy pursuant to the California Political Reform Act or to other provisions of this Chapter, and person who fails to comply with the on-line filing requirement of this Section shall be subject to an additional late filing penalty of \$25 per day per applicable contribution or expenditure after the deadline for the filing of the on-line copy.

#### **§2.03.120 Public Disclaimers on Campaign Communications.**

**A. Base Disclaimer.** Any candidate or committee that pays for a campaign communication shall print, display or incorporate the following words anywhere within the communication:

"Paid for by" immediately followed by the name, address and city of that candidate or committee.

If the sender of a mass mailing campaign communication is a controlled committee, the name of the person controlling the committee shall also be included. If an acronym is used to specify a committee name, the full name of any sponsoring organization of the committee shall be included in the campaign communication disclaimer required by this section.

#### **B. Additional Requirements For Campaign Communications Funded By Independent Expenditures.**

**1. Independent Communications.** Campaign communications funded by an independent expenditure supporting or opposing City candidates shall include the phrase "Not authorized by a City candidate," and shall also include the name of any contributor of \$2,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided By [Name of

Contributor(s)]." Payments of \$2,000 or more that are earmarked for any other candidate or ballot measure outside of the city of Santa Barbra need not be disclosed.

**2. Disclosing Contributors.** Campaign communications funded by an independent expenditure supporting or opposing City measures shall include the name of any contributor of \$2,000 or more to a committee funding the independent expenditure in the six months prior to the date of that payment in the phrase "Major Funding Provided by [Name of Contributor(s)]." Payments of \$2,000 or more that are earmarked for any other candidate or ballot measure outside of the city of Santa Barbara need not be disclosed.

**C. Printing and Statement Requirements.** The disclosures required by this section shall be presented in a clear and conspicuous manner to give the reader, observer or listener adequate notice, as specified below:

1. For printed campaign communications that measure no more than twenty-four inches by thirty-six inches, all disclosure statements required by this section shall be printed using a typeface that is easily legible to an average reader or viewer, but is not less than 12-point type in contrasting color to the background on which it appears. For oversize printed campaign communications, all disclosure statements shall constitute at least five percent of the height of the material and printed in contrasting color.

2. For video broadcasts including television, satellite and cable campaign communications, the information shall be both written and spoken either at the beginning or at the end of the communication, except that if the disclosure statement is written for at least five seconds of a broadcast of thirty seconds or less or ten seconds of a sixty second broadcast, a spoken disclosure statement is not required. The written disclosure statement shall be of sufficient size to be readily legible to an average viewer and air for not less than four seconds.

3. For audio, telephone call, or radio advertisement campaign communications, the disclosures shall be spoken in a clearly audible manner at the same speed and volume as the rest of the telephone call or radio advertisement at the beginning or end of the communication and shall last at least three seconds. The requirement of Subsection A shall be satisfied by using the

words "on behalf of" immediately followed by the name of the candidate or committee that pays for the communications.

**D. Definition of Campaign Communications.** For purposes of this section, "campaign communication" means any of the following items:

1. More than 200 substantially similar pieces of campaign literature distributed within a calendar month, including but not limited to mailers, flyers, facsimiles, pamphlets, door hangers, e-mails, campaign buttons 10 inches in diameter or larger, and bumper stickers 60 square inches or larger;

2. Posters, yard or street signs, billboards, supergraphic signs and similar items;

3. Television, cable, satellite and radio broadcasts;

4. Newspaper, magazine, internet website banners and similar advertisements;

5. 200 or more substantially similar live or recorded telephone calls made within a calendar month.

**E. Exclusions.** For purposes of this section, "campaign communication" does not include the following: small promotional items such as pens, pencils, clothing, mugs, potholders, skywriting or other items on which the statement required by this section can not be reasonably printed or displayed in an easily legible typeface or communications paid for by a newspaper, radio station, television station or other recognized news medium; and communications from an organization to its members other than a communication from a political party to its members.

**F. Requirement for Supplemental Information.** Campaign communications must be amended when a new person qualifies as a disclosable contributor or when the committee's name changes. Broadcast advertisement disclosures must be amended within five calendar days after a new person qualifies as a disclosable contributor or a committee's name changes. A committee shall be deemed to have complied with this section if the amended advertisement is mailed, containing a request that the advertisement immediately be replaced, to all affected broadcast stations by overnight mail no later than the fifth



day. For printed campaign communications and other material, disclosure information must be amended to reflect accurate disclosure information every time an order to reproduce the communication is placed.

**G. Copies to City Clerk.** Each candidate, and each committee making independent expenditures or member communications, who sends a mailing or distributes more than 200 substantially similar pieces of campaign literature shall send a copy of the mailing or other literature to the City Clerk at the same time the mailing or other literature is given to the post office or otherwise distributed. During the election campaign, the Clerk's office shall merely serve as a repository for this literature and shall not judge or comment on the contents of the literature.

#### **§2.03.130 Duties of the City Clerk.**

In addition to other duties required of the City Clerk under the terms of this Chapter, the City Clerk shall also be responsible for the following:

1. to supply appropriate forms and manuals prescribed by the state Fair Political Practices Commission. These forms and manuals shall be furnished to all candidates and committees, and to all other persons required to report.

2. to determine whether required documents have been filed and, if so, whether they conform on their face with the requirements of state law.

3. to report, at the City Clerk's discretion, apparent violations of this Chapter and applicable state law to the Fair Political Practices Commission.

4. Compile and maintain a current list of all statements or parts of statements filed with the office pertaining to each candidate.

5. to develop a system of on-line campaign statement reporting, including regulations and public information necessary for its effectiveness and workability, and to make it accessible to those individuals obligated to utilize on-line reporting pursuant to this Chapter

6. Cooperate and work with the City Attorney's office in the performance of the duties of the Clerk as prescribed in this Chapter and applicable state law.

**§2.03.140 Enforcement- Duties, Complaints, Legal Action, Investigatory Powers.**

**A. Filing of Complaints.** Any person who believes that a violation of any portion of this Chapter has occurred may file a complaint with the City Clerk.

**B. Investigatory Powers.** The City Clerk, with the assistance of the City Attorney's office, shall have such investigative powers as are necessary for the performance of the duties prescribed in this Chapter. The Clerk may demand and shall be furnished records of campaign contributions and expenses at any time.

**C. Administrative Enforcement.** The City may elect to enforce the provisions of this Chapter administratively pursuant to Title One of the Municipal Code or may otherwise recommend or refer enforcement actions to the City Attorney or other law enforcement agency with jurisdiction.

**SECTION TWO.** This ordinance shall not take effect and shall not be codified by the City Clerk of the City unless and until the City Clerk certifies in writing to the City Council (which certification shall be duly accepted by a resolution of the Council if deemed appropriate by the Council) that the on-line reporting procedures and the on-line disclosure process required by SBMC Section 2.03.110(A) of this Ordinance have been arranged for by the City and such process will be fully operable for the next Municipal Election following the Clerk's certification. In addition, prior to or concurrent with this Clerk's certification, appropriate City on-line reporting regulations shall have been submitted to and approved by resolution of the City Council which regulation shall explain how candidates subject to this ordinance shall effectuate their on-line reporting obligations under this Ordinance.

Upon the Council adoption of the Resolution required by this Section, the City Clerk office shall also be directed to revised the Municipal Code in order to clearly indicate an effective date for the Municipal Code Chapter established by this Ordinance and to codify this Ordinance.

**ORDINANCE NO. 5423**

STATE OF CALIFORNIA                     )  
   )  
COUNTY OF SANTA BARBARA            ) ss.  
   )  
CITY OF SANTA BARBARA                 )

I HEREBY CERTIFY that the foregoing ordinance was introduced on July 3, 2007, and was adopted by the Council of the City of Santa Barbara at a meeting held on July 17, 2007, by the following roll call vote:

AYES:                     Councilmembers Brian B. Barnwell, Iya G. Falcone, Roger L. Horton, Grant House, Helene Schneider; Mayor Marty Blum

NOES:                    None

ABSENT:                 Councilmember Das Williams

ABSTENTIONS:       None

IN WITNESS WHEREOF, I have hereto set my hand and affixed the official seal of the City of Santa Barbara on July 18, 2007.



(d)(5)

Cynthia M. Rodriguez, CMC  
City Clerk Services Manager

I HEREBY APPROVE the foregoing ordinance on July 18, 2007.

(d)(5)

Marty Blum  
Mayor